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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
1734	7

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

Office Action Summary	Application No. 09/937,160	Applicant(s) PARNI ET AL.	
	Examin r Laura E. Edwards	Art Unit 1734	

-- Th MAILING DATE of this communication app ars on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

4)☒ Claim(s) *10-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-13 and 22-53* is/are rejected.

7)☒ Claim(s) *14-21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections - 35 USC § 112

Claims 30-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 30-53, Applicants recite how the layer(s) is applied and it is unclear how these claims recite structural limitations. These appear to be process limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Alheid et al (US 4,245,582).

Alheid et al teach a rod doctor comprising a support frame having a cradle (20) formed therein and a rod (18) positioned in the cradle on which the rod rotates, the cradle being covered by a surface layer of a material improving wear resistance and sliding friction properties of the cradle and rod (see col. 6, lines 65+ to col. 7, lines 1-19).

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Graf et al (US 6,019,846).

Graf et al teach a rod doctor comprising a support frame having a cradle (18) formed therein and a rod (24) positioned in the cradle on which the rod rotates, the cradle being covered by a surface layer of a material improving wear resistance and sliding friction properties of the cradle and rod (see col. 3, lines 20-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11-13, 22-33, 38-45, and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alheid et al (US 4,245,582).

The teachings of Alheid et al have mentioned above but Alheid et al are silent concerning a layer of material on the rod improving wear resistance and sliding friction, however, because

Alheid et al teach the use of water to lubricate the a chrome plated rod (see col. 3, lines 61-65 and col. 5, lines 32-34), it would have been obvious to one of ordinary skill in the art to use water as a means for improving wear resistance and sliding friction via lubrication.

With respect to the thickness of the layers, it would have been obvious to one of ordinary skill in the art to make the layer(s) of an appropriate thickness as determined via routine experimentation.

With respect to claim 22, the surface layer of the cradle can be made of metal (see col. 7, lines 17-19) such that it would have been obvious to one of ordinary skill in the art to make the cradle from chromium since chromium is a metal.

With respect to claims 26-29, see col. 7, lines 1+ where it suggests the metal/polymer combination of materials.

With respect to claims 30-33, 38-45, and 50-53, these claims have been given no patentable weight because they recite process limitations as to how the layers are applied. No structural limitations are set forth in these claims.

Claims 12, 22, 24, 26, 28, 30, 32, 38, 40, 42, 44, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf et al (US 6,019,846).

The teachings of Graf et al have been mentioned above but Graf et al are silent concerning the thickness of the layer of wear resistance material. However, it would have been obvious to one of ordinary skill in the art to make the layer of an appropriate thickness as determined via routine experimentation.

With respect to claim 22, even though Graf et al are silent concerning the surface layer being chromium, Graf et al recognize the surface layer being partially metal (see col. 3, lines 21-23) such that that it would have been obvious to one of ordinary skill in the art to make the cradle from chromium since chromium is a metal.

With respect to claim 26, Graf et al recognize the combination of metal and Teflon (see col. 3, lines 38-50) such that it would have been obvious to one of ordinary skill in the art to use chromium and Teflon as a useful combination.

With respect to claims 30, 32, 38, 40, 42, 44, 50, and 52, these claims have been given no patentable weight because they recite process limitations as to how the layers are applied. No structural limitations are set forth in these claims.

Allowable Subject Matter

Claims 14-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent recognizes the use of diamond particles to effect a wear resistant doctor blade surface: Hale et al (US 5,174,862). The following patent discloses the state of the art with respect to a doctor bar having a wear resistant chromium surface: Lintula (US 5,595,601).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (703) 308-4252. The examiner can normally be reached on M-Th/First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and Same as above for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Laura E. Edwards
Primary Examiner
Art Unit 1734

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December 10, 2002